

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
POCATELLO FIELD OFFICE
Categorical Exclusion
United States Fish and Wildlife Service Application for Free Use Permit IDI-38188
DOI-BLM-ID-I020-2016-0027-CX**

Applicant: United States Fish and Wildlife Service (USFWS)

Project/Serial No.: IDI-38188

Project Lead: Bryce Anderson, Geologist/BLM Pocatello Field Office

Proposed Action: The BLM Pocatello Field Office proposes to issue a Free Use Permit to the USFWS for up to 1,000 cubic yards. The application area is located within the City Limits of Pocatello, Idaho on the east side of Interstate 15 and is located within T. 7 S.; R. 35 E.; Section 7; NWNE. The permit would involve removal of excess blasted and crushed basalt rock from the Cheyenne Crossing Right of Way (IDI-36624) that was stockpiled on BLM administered lands. The stockpile location has been previously disturbed by stockpiling and crushing operations permitted under Free Use Permits IDI-37586, IDI-37919, IDI-37585, and IDI-37701. The proposed Free Use Permit IDI-38188 would not require any additional disturbance. When authorized the permit would expire in 2 years.

The following conditions of approval would be attached to the permit:

1. The operator shall conduct all operations in a safe and prudent manner. In particular, the operator shall ensure that the operations do not pose any hazards to people, animals, roads or power lines.
2. Disposal of waste or dumping of material is not permitted at the site. Removal of waste and debris generated by operator is required at the end of each project.
3. The operator shall take all reasonable precautions to prevent, control, or suppress fire at the site, including compliance with any fire restrictions in place.
4. Pursuant to 43 CFR 10.4(b), if any unidentified cultural resources or paleontological resources are discovered during proposed activities, operations in the immediate area of the discovery would be halted. The discovery would be reported to the BLM, and the BLM or its authorized representatives would be allowed to document and evaluate the discovery, and if appropriate, would be allowed time for the determination and implementation of actions necessary to prevent or mitigate the loss of important cultural values in consultation with the Idaho State Historic Preservation Office (SHPO).
5. Reclamation efforts will be coordinated by both the USFWS and BLM prior to closure of the Free Use Permit.
6. Operator must have the Free Use Permit and Special Conditions in possession while removing material from the site.
7. Report the total amount of material removed from the permit area at the end of every calendar year as well as upon expiration of the permit.

Consultation and Coordination: The Pocatello Field Office will maintain a publicly available record of this Categorical Exclusion (CX) Documentation. Following the decision, notice to the public will be posted in Idaho BLM's NEPA database which is accessed via Idaho BLM's public website.

Land Use Plan Conformance Statement:

Land Use Plan Name: Pocatello Resource Management Plan (April 2012)

Date Approved/Amended: July 10, 2012

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Goal ME-2. Develop mineral resources (oil and gas, geothermal, solid minerals) consistent with other resources and uses as part of an ecologically healthy ecosystem (pg. ARMP-97).

Objective ME-2.6. Manage approximately 582,400 acres of federal mineral estate (salable minerals) as open to mineral material disposal subject to standard permit terms and conditions (pg. ARMP-106).

Action ME-2.6.3 Site specific mitigation measures will be developed through the NEPA process and applied to ensure that operations comply with applicable laws, land use plan guidance and do not result in unnecessary degradation (pg. ARMP-111).

Finding or Recommendation: The proposed action is categorically excluded as outlined in 516 DM 11.9 J (8): Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas. None of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.

/s/ Bryce Anderson

Preparer signature

4/25/2016

Date

/s/ Blaine Newman

NEPA Reviewer signature

4/25/2016

Date

Decision and Rationale for the Decision:

My decision is to approve the USFWS application for a Free Use Permit. This decision is within the scope of provisions for mineral material disposal under the Categorical Exclusion list contained in Departmental Manual 516 DM 6, Appendix 5, Section 5.4, F (10) and no extraordinary circumstances exist that would require further NEPA analysis.

/s/ Blaine Newman (acting for)

4/25/2016

David A. Pacioretty

Date

Field Manager

Appeals Information:

Appeals information can be found in parts 4 and 1840 of 43 CFR.

Extraordinary Circumstances Requiring Preparation of an EA or EIS

The action described in categorical exclusion DOI-BLM-ID-I020-2016-0027-CX has been reviewed to determine if any of the following extraordinary circumstances listed below apply, as listed in the Departmental NEPA regulations (43 CFR 46.215). A rationale for why the circumstance does not apply is included below:

Extraordinary Circumstances	
1.	Have significant impacts on public health or safety. <i>No public health or safety issues exist with implementation of the proposed action.</i>
2.	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <i>The application area does not occur within any designated parks, recreation areas, refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, floodplains, sole or principal drinking water aquifers, prime farm lands, wetlands, national monuments, or other ecologically significant or critical areas. The proposed action would not have significant impacts on migratory birds since proposed activities will involve areas previously disturbed by removal of mineral materials. An Archaeological and Historical Inventory Record Exempt Undertaking was completed on March 9, 2015.</i>
3.	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. <i>No highly controversial environmental effects or potential unresolved conflicts concerning alternative uses or available resources have been identified.</i>
4.	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>There are no known highly uncertain or potentially significant environmental effects associated with the proposed action. There are also no unique or unknown environmental risks associated with the proposed action.</i>
5.	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>The proposed action would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</i>
6.	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</i>
7.	Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office. <i>An Archaeological and Historical Inventory Record Exempt Undertaking was completed on March 9, 2015. The proposed undertaking is an exempt undertaking and excluded from case-by-case review with Idaho State Historic Preservation Office (SHPO) as per Stipulation V.A.1., Appendix C of the 2014 State Protocol</i>

Extraordinary Circumstances	
	<i>Agreement between Idaho BLM and the Idaho SHPA. The project would have no effect to historic properties.</i>
8.	Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species. <i>No Threatened or Endangered Species are known to inhabit the project area.</i>
9.	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action would not violate any Federal, State, local, or tribal law or requirement imposed for the protection of the environment.</i>
10.	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would not affect low income or minority populations.</i>
11.	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). <i>There are no known Indian sacred sites within the project area.</i>
12.	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). <i>The USFWS would coordinate control of noxious weeds with the BLM Pocatello Field Office.</i>